

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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Hearing Date: 03/01/2011  
Hearing Time: 2:00 p.m.  
Hearing Place: Syracuse, NY

**IN RE:**

CHAPTER 13 PROCEEDING

**STEPHEN R BILLY,**

Debtor(s).

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**OBJECTION TO CONFIRMATION**

Case No. **10-33251**

The Trustee objects to confirmation of the plan, filed 12/27/2010,(ECF#2) in the above named debtor(s) case for the following reason:

**I. DISPOSABLE INCOME**

That according to the Trustee's calculations, line 59 should be providing \$658 per month to unsecured creditors over 60 months or a 100% plan. The debtor has incorrectly taken a deduction on line 29 for a vehicle owned free and clear. The plan only proposes a total of \$5,126 to unsecured creditors. See In re *Ransom v. FIA Card Services, N.A.*, No. 09-907, 2011 WL 66438 (Jan. 11, 2011).

WHEREFORE, Trustee respectfully requests that Confirmation be denied and for such further relief as the Court deems appropriate.

Dated: Syracuse, New York  
February 22, 2011

/s/ Mark W. Swimelar  
Mark W. Swimelar, Chapter 13 Trustee  
Bar Roll # 506340  
250 S. Clinton Street, #203  
Syracuse, New York 13202  
315-471-1499

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK CHAPTER 13 PROCEEDING

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**IN RE: STEPHEN R BILLY**

Debtors. Case No. **10-33251**

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**CERTIFICATE OF SERVICE**

**Amy E. Militi** certifies that she is, and at all times hereinafter mentioned was, an employee in the office of the Standing Chapter 13 Trustee and over the age of 18 years.

That on February 22, 2011, I served the attached Objection to Confirmation on the below named by depositing a copy in a post-paid, properly addressed wrapper under the custody of the United States Post Office in a depository within the State of New York.

STEPHEN R BILLY  
1228 N GLENCOVE RD  
SYRACUSE, NY 13206

And that she electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following:

Office of the U.S. Trustee

DAVID P ZANGARI ESQ

/s/ Amy E. Militi  
Amy E. Militi